IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE Dr. JUSTICE G.YETHIRAJULU**

**WRIT PETITION No. 20046 of 2004**

Between:

A. Prakash S/o Virupanna, aged about 44 years,
Grape Merchant, RB Road, Room NO.22, Venkatapalli Narayanappa

Choultry, Chickbalapur, Bangalore District, Karnataka State

**..... PETITIONER**

AND

1 Regional Transport Officer, Anantapur Anantapur district
2 Motor Vehicle Inspector, Anantapur, Anantapur district

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, preferably one in the nature of Writ of Mandamus, declaring the action of the respondents in seizing and detaining the petitioner's Mahindra and Mahindra Jeep bearing Registration No. KA.40/M.230, pursuant to the Vehicle Check Report No. 295170, dated 26-10-2004 of the 2nd Respondent as illegal, arbitrary and contrary to law and consequently direct the respondents to release the said vehicle to the petitioner forthwith.

**Counsel for the Petitioner: MR.E.MARUTHI RAJA**

**Counsel for the Respondents: GP FOR TRANSPORT**

**The Court made the following:**

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**ORDER:**

The petitioner is the owner of a Jeep bearing registration No.KA.40/M.230. The vehicle was registered in Karnataka State on payment of live tax. The petitioner alleged to have used the vehicle in Andhra Pradesh. On 26.10.2004 while the vehicle was proceeding from Anantapur, the 2nd respondent made a check and a check report was prepared by him, mentioning that the driver did not possess the driving licence, that the Insurance Policy discloses the address of the petitioner at Anantapur, therefore, it attracts the tax of A.P.State, hence, the vehicle was seized under Section 207 of Motor Vehicles Act. 2. The petitioner represents that when he approached the 1st respondent, the vehicle was not released. Therefore, he approached this Court, seeking release of the vehicle.

3. The matter is pending before the 1st respondent for enquiry. It is likely to take some time to finalise the matter. In the meanwhile, the vehicle is likely to be damaged, if it is kept idle.

4. Therefore, the 1st respondent is directed to release the vehicle bearing registration No.KA.40/M.230 to the petitioner for interim custody, pending enquiry, on condition of depositing Rs.5,000/- (Rupees five thousand only) with the 1st respondent, and also on complying the following conditions:

1. The petitioner shall not transfer the vehicle in favour of others without permission from the concerned authorities;

2. He shall produce the vehicle as and when required by the 1st respondent;

3. He shall cause production of all the documents available with him and participate in the enquiry to enable the 1st respondent to pass appropriate orders on merits.

The Writ Petition is, accordingly, disposed of. No costs.

**Note:**

**Issue CC by tomorrow.**

**B/o.**

**dsr**

ASSISTANT REGISTRAR

To:

1. The Regional Transport Officer,

Anantapur, Anantapur District

2. The Motor Vehicle Inspector,

Anantapur, Anantapur District

3. Two CCs to the Government Pleader for Transport,

High Court Buildings, Hyderabad

4. Two CD copies.